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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,850	02/07/2005	Thomas John	3208	4407

7590 09/16/2010

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EXAMINER	
NGUYEN, PHONG H	
ART UNIT	PAPER NUMBER
3724	
MAIL DATE	DELIVERY MODE
09/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,850	JOHN ET AL.	
	Examiner	Art Unit	
	PHONG H. NGUYEN	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal brief filed on 06/17/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick (3,880,028) in view of Tjaden (3,821,910), and Ota (JP1994-102480).

Regarding claim 29, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

a) providing a moving glass sheet 12 that is continuously moving in a travel
direction;

b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a
plurality of positions on the glass sheet;

f) mechanically breaking the glass sheet along the fissure (by a snap roll 21);

See Figs. 1-2.

Frederick does not teach steps (c), (e) and (g) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and to control the variable cutting force.

Tjaden teaches a method for applying variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and for controlling variable cutting force for making a uniform score line on the glass sheet. See col. 1, lines 25-30; and col. 3, line 67-col. 4, line 3.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate steps (c), (e) and (g) as taught by Tjaden to the cutting method of Frederick for making a uniform score line on a glass sheet.

Frederick does not teach step (d) which is to measure the thickness of the glass sheet.

Ota teaches the step of measuring a thickness of a glass sheet 2 by a measurement sensor 4 so that a proper amount cutting force can be determined according to the thickness information for making a good cut on the glass sheet. See Fig. 1

Therefore, it would have been obvious to one skilled in the art to provide the step of measuring a thickness of a glass sheet so that a proper amount

cutting force can be determined according to the thickness information as taught by Ota to the cutting method of Frederick for making a good cut on the glass sheet.

Regarding claim 30, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2 in Frederick. A position sensor 4 also is best seen in Fig. 2 in Ota.

Regarding claim 31, Tjaden and Ota teach varying cutting force according to change in thickness of a glass sheet. See col. 3, line 67-col. 4, line 3 in Tjaden and Figs. 1, 2, 4 and 5 in Ota.

Regarding claims 32, 33 and 35, a controller 10 for controlling cutting pressure is best seen in Fig. 1 in Ota. A controller (60, 90) for controlling cutting pressure is best seen in Fig. 3 in Tjaden.

Regarding claim 34, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

a) providing a moving glass sheet 12 that is continuously moving in a travel
direction;

b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool

traverses a

plurality of positions on the glass sheet;

e) mechanically breaking the glass sheet along the fissure (by a snap roll 21); and

See Figs. 1-2.

Frederick does not teach steps (c), (e) and (g) which are to apply variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and to control the variable cutting force.

Tjaden teaches a method for applying variable cutting force on the glass sheet wherein the cutting force is increased where the variable thickness increases and the cutting force is decreased where the variable thickness decreases, and for controlling variable cutting force for making a uniform score line. See col. 1, lines 25-30; and col. 3, line 67-col. 4, line 3.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate steps (c), (e) and (g) as taught by Tjaden to the cutting method of Frederick for making a uniform score line.

Frederick does not teach step (d) which is to measure the thickness of the glass sheet.

Ota teaches the step of measuring a thickness of a glass sheet 2 by a measurement sensor 4 so that a proper amount cutting force can be determined according to the thickness information for making a good cut on the glass sheet. See Fig. 1

Therefore, it would have been obvious to one skilled in the art to provide the step of measuring a thickness of a glass sheet so that a proper amount cutting force can be determined according to the thickness information as taught by Ota to the cutting method of Frederick for making a good cut on the glass sheet.

Response to Arguments

4. Applicant's arguments with respect to claims 29 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment filed on 02/04/209 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Examiner, Art Unit 3724
August 26, 2010